

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference PCT2092HHBRan | FOR FURTHER ACTION | See Form PCT/IPEA/416 |
| International application No. PCT/EP2004/005934 | International filing date (day/month/year) 02.06.2004 | Priority date (day/month/year) 25.06.2003 |
| International Patent Classification (IPC) or national classification and IPC | | |
| Applicant SWAC ELECTRONIC GMBH | | |

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| 1. | This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. |
| 2. | This REPORT consists of a total of <u>5</u> sheets, including this cover sheet. |
| 3. | This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions). |
| 4. | This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application |

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| Date of submission of the demand | Date of completion of this report |
| Name and mailing address of the IPEA/EP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/005934

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
 - ☐ international search (Rule 12.3 and 23.1(b))
 - ☐ publication of the international application (Rule 12.4)
 - ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
 - ☐ the international application as originally filed/furnished
 - ☒ the description:
 - pages 1-11 _____ as originally filed/furnished
 - pages* _____ received by this Authority on _____
 - pages* _____ received by this Authority on _____
 - ☒ the claims:
 - nos. 1-18 _____ as originally filed/furnished
 - nos.* _____ as amended (together with any statement) under Article 19
 - nos.* _____ received by this Authority on _____
 - nos.* _____ received by this Authority on _____
 - ☒ the drawings:
 - sheets 1/1 _____ as originally filed/furnished
 - sheets* _____ received by this Authority on _____
 - sheets* _____ received by this Authority on _____
 - ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

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|-------------------------------|--------|------------------|-----|
| Novelty (N) | Claims | 3-7, 9-13, 15-18 | YES |
| | Claims | 1, 2, 8, 14 | NO |
| Inventive step (IS) | Claims | | YES |
| | Claims | 1-18 | NO |
| Industrial applicability (IA) | Claims | 1-18 | YES |
| | Claims | | NO |

2. Citations and explanations (Rule 70.7)

- 1) The present report refers to the following documents:

D1: US-A-5 988 486

D2: US-A-5 091 623.

- 2) The present application does not meet the requirements of PCT Article 33(1) since the subject matter of claim 1 is not novel within the meaning of PCT Article 33(2).

Document D2 discloses (see the third embodiment):

a method for the open-loop and/or closed-loop control of a welding gun movement using a welding gun drive having at least a primary and a secondary drive unit (49, 46), wherein the primary drive unit (49) from substantially opposite sides moves at least two welding gun arms having welding electrodes (3, 5) against an item to be welded (W) and presses the arms against the object with a predefined pressure, and wherein the secondary drive unit (46) when actuated varies a spatial

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| Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
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position of the welding gun (2) and in particular of the welding gun arms (the hardware components in figure 3 correspond to the structure in figure 1 of the application; by actuating the drive 46 the lower welding gun arm is pressed downward while the upper welding gun arm is rotated upward), the above method comprising the following steps:

- a) the welding gun is moved to a defined point in space relative to the object to be welded;
- b) the welding gun is held in a fixed spatial position while being moved towards the object to be welded (steps a) and b) are routine steps when approaching a workpiece using a robot, and are encompassed by the use of a robot);
- c) the secondary drive unit is actuated until the object to be welded has been contacted by at least one welding gun arm and the contact is detected (column 3, lines 47-51), and
- d) the welding gun is closed by the primary drive unit in such a way that a corresponding welding pressure is produced (column 3, lines 52-58).

- 3) Dependent claims 2-18 contain no features which, combined with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step. The reasons are as follows:

The features of claims 2, 8 and 14 are known from document D2.

The features of claims 2-12 are known from

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
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document D1.

Claims 13-18 disclose obvious possibilities.